

RESOLUTION 2022-003

A RESOLUTION OF THE BOARD OF FIRE COMMISSIONERS OF THE UPPER CAPTIVA FIRE PROTECTION AND RESCUE SERVICE DISTRICT REQUESTING AND PROVIDING FOR A REFERENDUM TO BE HELD ON NOVEMBER 8, 2022, FOR THE PURPOSE OF DETERMINING WHETHER THE DISTRICT SHALL BE AUTHORIZED, TO CONTINUE IMPOSING AND COLLECTING A NON AD-VALOREM ASSESSMENT OF \$447,400.00 PER YEAR TO FUND THE DISTRICT'S SERVICES AND FACILITIES, INCLUDING ACCESSWAYS; PROVIDING FOR NOTICE OF THE REFERENDUM; PROVIDING FOR THE TITLE AND SUBSTANCE OF THE BALLOT MEASURE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Upper Captiva Fire Protection and Rescue Service District's ("District") creation was codified by the Florida Legislature pursuant to Chapter 2004-470, Laws of Florida;

WHEREAS, Chapter 191, Florida Statutes, authorizes the District, to levy ad valorem taxes and non-ad valorem assessments for the construction, operation and maintenance of the District's facilities and services;

WHEREAS, Chapter 2004-470, Laws of Florida, authorizes the District to provide and maintain accessways in the District;

WHEREAS, the Board of Fire Commissioners of the District (the "Commission") desires to call a referendum election to present the referendum question below to the general electorate of the District for approval.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF FIRE COMMISSIONERS OF THE UPPER CAPTIVA FIRE PROTECTION AND RESCUE SERVICE DISTRICT AS FOLLOWS:

SECTION 1. AUTHORITY. This resolution is adopted pursuant to the provisions of Chapter 97-340 and Chapter 2004-470, Laws of Florida, as amended, and Chapters 189 and 191, Florida Statutes, and other applicable law.

SECTION 2. FINDINGS. The above legislative findings are true and correct and are incorporated herein by reference.

SECTION 3. REFERENDUM.

(A) Pursuant to Section 191.009, Florida Statutes, a referendum election is called and ordered to be held on Tuesday, November 8, 2022, concerning those lands lying within the boundaries of the District, as also more particularly described in Chapter 2004-470, Laws of Florida, as amended.

(B) The referendum election shall be held as directed by the Lee County Supervisor of Elections at the times generally provided by law and at reasonable and available polling places determined by the Supervisor of Elections in an efficient and cost effective manner on November 8, 2022 within the District in Lee County, Florida (the "election") and all electors of the District shall be eligible to vote in the referendum election.

SECTION 4. NOTICE. The referendum election shall be noticed as required by Florida law for a referendum election to be held in the general election on November 8, 2022.

SECTION 5. BALLOT LANGUAGE. The wording and title of the proposition to appear on the ballot on the date of the election, as embodied in this Resolution, shall be substantially in the following form (non-substantive changes may be made to comply with legal requirements upon agreement by the District's legal counsel):

APPROVAL OF CONTINUING THE ANNUAL ASSESSMENT REVENUE
COLLECTIONS FOR UPPER CAPTIVA FIRE PROTECTION DISTRICT

Can the Upper Captiva Fire Protection and Rescue Service District continue imposing, without any increases over the current annual non-ad valorem assessment, a total annual non-ad valorem assessment of \$447,400.00 per fiscal year for 10 years beginning with fiscal year 2024, which begins October 1, 2024, to pay for the District's fire protection and rescue services and for the construction, operation and maintenance of the District's facilities, including accessways.

Yes for Approval

No for Rejection

SECTION 6. SCRIVENER'S ERRORS.

The Board of Commissioners intends that all sections of this Resolution which contain typographical errors which do not affect the intent of this Resolution can be administratively corrected by the authorization of the Board Chair, or his designee, without the requirement of having a corrected Resolution adopted by the Board of Commissioners.

SECTION 7. CONFLICT.

Any provision of any District Resolution, District Policy, or other District act, which is in conflict with the provisions of this Resolution is repealed prospectively to the extent of such conflict.

SECTION 8. LIBERAL CONSTRUCTION.

The terms and provisions of this Resolution shall be liberally construed to affect the purpose for which it is adopted.

SECTION 9. SEVERABILITY.

If any portion of this Resolution is for any reason held or declared to be unconstitutional, invalid or void, such holding shall not affect the remaining portions of this Resolution. If this Resolution shall be held to be inapplicable to any person or circumstances, such holding shall not affect the applicability of this Resolution to any other person or circumstances.

SECTION 10. ABSENTEE AND MAILED BALLOTS. Absentee and mailed ballots for the referendum election shall be prepared and made available as provided by law.

SECTION 11. AUTHORIZATION TO CONDUCT AN ELECTION. The Supervisor of Elections, the Chair of the Board of Commissioners of the District, and the officials, officers, legal counsel, Chief, employees and agents of the District are hereby directed and authorized to do all things necessary to prepare a ballot question and conduct an election of the qualified electors of the District. This Resolution and direction and authorization shall be liberally construed to accomplish such intent. The election shall be conducted according to the requirements of law governing elections conducted by the Supervisor of Elections. The election shall be held in accordance with law including by mail and at the polling places designated by the Supervisor of Elections and the polls shall be opened and closed as provided by law.

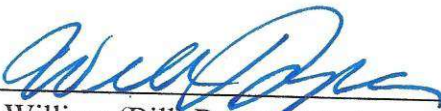
SECTION 12. EFFECTIVE DATE. This Resolution shall be in full force and effect immediately upon its adoption.

The foregoing Resolution was offered by Commissioner LaVallie, who moved its adoption. The motion was seconded by Commissioner Jenkins, and being put to a vote, the vote was as follows:

Commissioner William (Bill) Byrnes	Yes
Commissioner AJ LaVallie	Yes
Commissioner Duncan Rosen	No
Commissioner Tom Jenkins	Yes
Commissioner Michael Filipczak	Yes

Duly passed and adopted on this 20th day of May, 2022.

Board of Commissioners of the Upper Captiva Fire
Protection and Rescue Service District

By: 
William (Bill) Byrnes, Chair

Attest by: 

Print name and title MICHAEL FILIPCZAK,
SECRETARY